

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FRONTIER FISHING CORP.)	CIVIL ACTION
)	NO.04-11171-DPW
Plaintiff,)	
v.)	
DONALD EVANS, Secretary of the)	
UNITED STATES DEPARTMENT OF)	
COMMERCE; AND CONRAD C.)	
LAUTENBACHER JR. UNDER SECRETARY)	
FOR OCEANS AND)	
ATMOSPHERE/ADMINISTRATOR AND)	
DEPUTY UNDER SECRETARY)	
)	
Defendants.)	

JOINT MOTION TO EXTEND TIME FOR FILING OF BRIEFS AND OPPOSITION

Now comes the Plaintiff, Frontier Fishing Corp. and the Government Defendants and seek an extension of sixty days for filing of briefs and oppositions thereto. s grounds therefore, the parties state:

This is an administrative record review case appealing a decision of an administrative law judge.

One Extension of extension of time has been requested and granted to date.

The administrative record for the case has been compiled. Plaintiff has recently focused on a document that it believes may be material to the outcome of its objection to the fishing sanctions imposed against it by defendant. Defendant has agreed to look into the matter and respond to plaintiff's questions about the document, but requests another 30 days for its inquiry. Defendant's response may be the foundation for a request by plaintiff to remand the imposition of sanctions to the agency for reconsideration. The Government's response will determine whether the new information merits a remand to the Agency for further proceedings in lieu of the instant appeal. The parties contend that this additional time will allow the parties to exhaust the possibility of such a remand, thereby potentially avoiding unnecessary burden on the Court and the parties, and therefore is in the best interest of justice.

For these reasons, the parties requests, an additional extension of forty five days to the current dates for filing briefs and oppositions.

The parties further stipulate that the sanctions and fines will be suspended pending the outcome of this appeal, or remand.

Wherefore fore, the parties prays that the time for filing Plaintiff's motion for summary judgment be extended to by April 1, 2005; Defendants' opposition to Plaintiff's motion for summary judgment, and any cross-motion for summary judgment be filed by May 1, 2005; and any reply/opposition to cross motion for summary judgment be filed by June 1, 2005.

Respectfully submitted this 7th day of January, 2005,

FRONTIER FISHING CORP.
By its attorneys,

Stephen M. Ouellette /s/
Stephen M. Ouellette, Esquire
BBO No.: 543752
David S. Smith, Esquire
BBO No.: 634865
CIANCIULLI & OUELLETTE
163 Cabot Street
Beverly, MA 01915
Tel: (978) 922-9933
Fax: (978) 922-6142

**DONALD EVANS and
CONRAD C. LAUTENBACHER, JR.**
By their attorneys,

Anita Johnson /s/ by SMO
MICHAEL J. SULLIVAN
Anita Johnson
United States Attorney
District of Massachusetts
One Courthouse Way
Boston, MA 02210
617-748-3100